

10001254.06.002



Document: ONE EXECUTED DECLARATION
(9 pages)
Attorney Docket No: P-LJ 5037

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 860 US

DATE OF DEPOSIT: June 10, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Sean P Dewey

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee

DECLARATION FOR PATENT APPLICATION

I, the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL DEATH DOMAIN PROTEINS, the specification of which

_____ is attached hereto as Attorney Docket No. _____.

XX was filed on November 15, 2001, as Application Serial No. 10/001,254, Attorney Docket No. P-LJ 5037)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It

Inventors: Reed et al.
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establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional applications listed below, the earlier of which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States applications in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior applications listed below and the filing date of this non-provisional application:

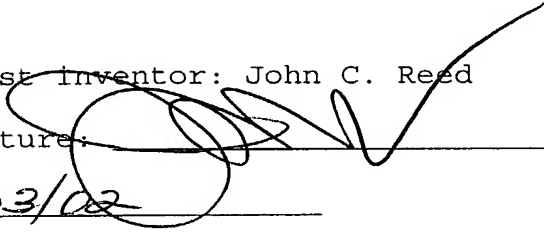
<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
09/715,893	November 17, 2000	Abandoned
60/301,889	June 29, 2001	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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 Page 3

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: John C. Reed

Inventor's signature: 

Date: 04/03/02

Residence: United States of America

Citizenship: United States of America

Mailing Address: 17044 El Camino Real, P.O. BOX 137
 Rancho Santa Fe, California 92067-0137

Inventors: Reed et al.
Serial No.: 10/001,254
Filed: November 15, 2001
Page 4

Full name of second inventor: Adam Godzik

Inventor's signature: Adam Godzik

Date: 5/4/2002

Residence: United States of America

Citizenship: United States of America

Mailing Address: 9184 Buckwheat Street
San Diego, California 92129

Inventors: Reed et al.
Serial No.: 10/001,254
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Page 5

Inventor's signature: KRZ

Date: JAN. 9, 2002

Citizenship: Poland

Mailing Address: Kramersvagen 10:1061
Malmo, Sweden S-21745

Inventors: Reed et al.
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Page 6

Full name of fourth inventor: Loredana Fiorentino

Inventor's signature: Loredana Fiorentino

Date: 4/4/02

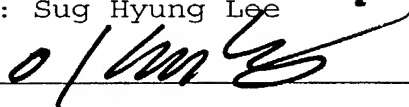
Residence: United States of America

Citizenship: Italy

Mailing Address: 7876 Avenida Navidad, Apt. 183
San Diego, California 92122

Inventors: Reed et al.
Serial No.: 10/001,254
Filed: November 15, 2001
Page 7

Full name of fifth inventor: Sug Hyung Lee

Inventor's signature: 

Date: Feb, 27, 2002

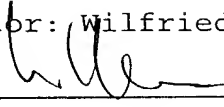
Residence: South Korea

Citizenship: South Korea

Mailing Address: 321-701 Hanshin APT Jamwon-dong, Socho-gu
Seoul 137-950, Korea

Inventors: Reed et al.
Serial No.: 10/001,254
Filed: November 15, 2001
Page 8

Full name of sixth inventor: Wilfried Roth

Inventor's signature: _____

Date: 4/4/02

Residence: United States of America

Citizenship: Germany

Mailing Address: 7438 Cuvier Street
La Jolla, California 92037

Inventors: Reed et al.
 Serial No.: 10/001,254
 Filed: November 15, 2001
 Page 9

Full name of seventh inventor: Frank Stenner-Liewen

Inventor's signature:

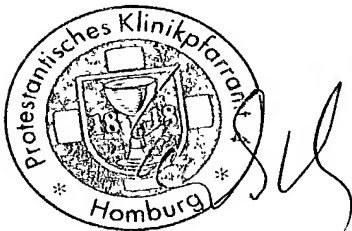
[Handwritten signature of Frank Stenner-Liewen]

Date: 31st May 2002

Residence: Germany

Citizenship: Germany

Mailing Address: Lindenstr. 12
 66424 Homburg/Saar
 Germany



Date:
 31.5.2002

Witnessed by:

Pfarrer Hermann F. Laubscher
 University Clinic
 HOMBURG / SAAR
 66424
 GERMANY



Document: ONE EXECUTED SMALL ENTITY
STATEMENT (4 pages)
Attorney Docket No: P-LJ 5037

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 860 US

DATE OF DEPOSIT: June 10, 2002

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Sean P Dewey

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee

PATENT

Our Docket: P-LJ 5037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Reed et al.

Serial No. 10/001,254

Filed: November 15, 2001

For: NOVEL DEATH DOMAIN
PROTEINS



Commissioner for Patents
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

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venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

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Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

Quorex Pharmaceuticals, Inc.

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

January 18, 2002
Date

John M. Campbell
Name: John M. Campbell
Title: Director of Intellectual Property

The Burnham Institute
10901 North Torrey Pines Road
La Jolla, California 92037



Document: ONE EXECUTED POWER OF
ATTORNEY (2 pages)
Attorney Docket No: P-LJ 5037

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Sean P Dewey

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee The Burnham Institute is the owner of the entire right, title and interest of U.S. patent application Ser. No. 10/001,254, filed on November 15, 2001, as attorney docket number P-LJ 5037, and entitled NOVEL DEATH DOMAIN PROTEINS, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

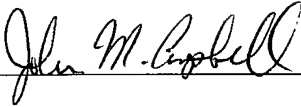
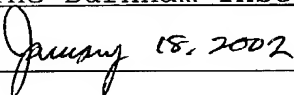
CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; MARGARET M. PARR, Registration No. 48,111; and KIMBERLY J. PRIOR, Registration No. 41,483.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601

Inventors: Reed et al.
 Serial No.: 01/001,254
 Filed: November 15, 2001
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The undersigned is authorized to sign on behalf of the
 Assignee.

Signature:	<u></u>
Name (typed):	<u>John M. Campbell</u>
Title:	<u>Director of Intellectual Property</u>
Assignee:	<u>The Burnham Institute</u>
Date:	<u></u>



Document: ONE EXECUTED STATEMENT
UNDER 37 C.F.R. § 3.73 (b) WITH
ATTACHED COPY OF EXECUTED ASSIGNMENT
(10 pages)
Attorney Docket No: P-LJ 5037

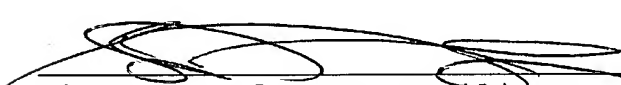
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AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
20231.

Sean P Dewey
Printed Name of Person Mailing Paper or Fee


Signature of Person Mailing Paper or Fee



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: NOVEL DEATH DOMAIN PROTEINS
 Application Ser. No.: 10/001,254
 Filed: November 15, 2001
 Inventor(s): Reed et al.
 Attorney Docket No.: P-LJ 5037

The Burnham Institute, a non-profit organization, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: January 18, 2002

Signature: John M. Campbell

Name: John M. Campbell

Title: Director of Intellectual Property

COPY
JOINTASSIGNMENT

This Assignment is made by John C. Reed of Rancho Santa Fe, California, Adam Godzik of San Diego, California, Krzysztof Pawlowski of Malmo, Sweden, Loredana Fiorentino of La Jolla, California, Sug Hyung Lee of Seoul, South Korea, Wilfried Roth of La Jolla, California and Frank Stenner-Liewen of Homburg, Germany, Assignors, to The Burnham Institute, Assignee, having a place of business at 10901 North Torrey Pines Road, La Jolla, California 92037.

WHEREAS, Assignors have invented a new and useful NOVEL DEATH DOMAIN PROTEINS for which an application for United States Letters Patent was filed on November 15, 2001, in the United States Patent and Trademark Office, bearing Serial No.10/001,254, and identified as Attorney Docket No: P-LJ 5037;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to

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 Serial No.: 10/001,254
 Filed: November 15, 2001
 Page 2

said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

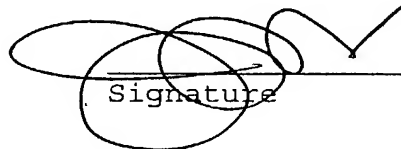
Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

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 Serial No.: 10/001,254
 Filed: November 15, 2001
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Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: John C. Reed


 Signature Date 04/03/02

STATE OF California)
 COUNTY OF San Diego)

On April 3, 2002, before me, Karen Marion Overklift personally appeared John C. Reed,
~~personally known to me~~ - OR - X proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), ~~or the entity upon behalf of which the person(s) acted~~, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift
 (Signature of Notary)



Inventors: Reed et al.
Serial No.: 10/001,254
Filed: November 15, 2001
Page 4

Assignor: Adam Godzik

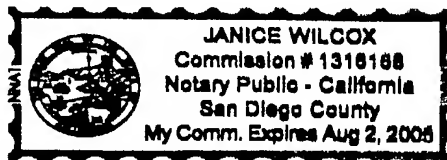
Adam Godzik 4/4/02
Signature Date

STATE OF California)
COUNTY OF San Diego)

On April 4, 2002, before me, Janice Wilcox,
personally appeared Adam Godzik,
personally known to me - OR - X proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Janice Wilcox
(Signature of Notary)



Inventors: Reed et al.
 Serial No.: 10/001,254
 Filed: November 15, 2001
 Page 5

Assignor: Krzysztof Pawlowski

KPaw JAN, 9, 2002
 Signature Date

STATE OF Sweden)
 COUNTY OF _____)

On January 9, 2002, before me, Helén Kinnman, Notary Public,
 personally appeared Krzysztof Pawlowski,
~~personally known to me~~ - proved to me on the basis
 of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~
 subscribed to the within instrument and acknowledged to me that
 he/~~she/they~~ executed the same in his/~~her/their~~ authorized
 capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the
 instrument the person(~~s~~), or the entity upon behalf of which the
 person(~~s~~) acted, executed the instrument.

WITNESS by hand and official seal.
 Lund, Sweden, this 9th day of January 2002
 Ex officio:

Helén Kinnman
 (Signature of Notary)

Dno 9/02
 Fee SEK 200



Inventors: Reed et al.
 Serial No.: 10/001,254
 Filed: November 15, 2001
 Page 6

Assignor: Loredana Fiorentino

Loredana Fiorentino 4/4/02
 Signature Date

STATE OF California)
 COUNTY OF San Diego)

On April 4, 2002, before me, Karen Marion Overklift
 personally appeared Loredana Fiorentino,
 personally known to me - OR - X proved to me on the basis
 of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
 subscribed to the within instrument and acknowledged to me that
~~he/she/they~~ executed the same in ~~his/her/their~~ authorized
 capacity~~(ies)~~, and that by ~~his/her/their~~ signature~~(s)~~ on the
 instrument the person~~(s)~~, or the entity upon behalf of which the
 person~~(s)~~ acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift
 (Signature of Notary)



Inventors: Reed et al.
Serial No.: 10/001,254
Filed: November 15, 2001
Page 7

Assignor: Sug Hyung Lee

o/mg Feb 26 / 02
Signature Date

STATE OF _____)
COUNTY OF Korea)

On _____, before me, _____,
personally appeared _____,
_____ personally known to me - OR - _____ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

(Signature of Notary)

Inventors: Reed et al.
 Serial No.: 10/001,254
 Filed: November 15, 2001
 Page 8

Assignor: Wilfried Roth

Wilfried Roth 4/4/02
 Signature Date

STATE OF California)
 COUNTY OF San Diego)

On April 4, 2002, before me, Karen Marion Overklift
 personally appeared Wilfried Roth,
 personally known to me - OR - X proved to me on the basis
 of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that
 he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized
 capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the
 instrument the person(s), or the entity upon behalf of which the
 person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Karen Marion Overklift
 (Signature of Notary)



Inventors: Reed et al.
 Serial No.: 10/001,254
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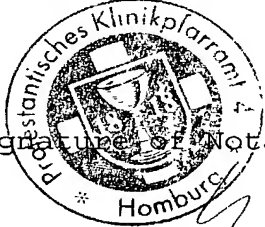
Assignor: Frank Stenner-Liewen

[Signature] 31.05.2002
 Signature Date May

STATE OF GERMANY)
 COUNTY OF)

On 31.05.2002, before me,
personally appeared Pfarrer Hermann Fr. Laubscher,
personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

(Signature of Notary)

[Signature]